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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/578,612	05/25/00	HILTON	G P/48-1

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EXAMINER

GRIER, L

ART UNIT

PAPER NUMBER

2644.

3

DATE MAILED:

07/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/578,612

Applicant(s)

HILTON, GEORGIA

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-8 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because, line 1 includes the word "invention". Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by Shimizu et al. (U. S. Patent No. 4868682).

Regarding **claim 1**, Shimizu et al. discloses a method of recording and reproducing video and sound information using plural recording devices and plural reproducing devices. Shimizu et al. discloses in abstract and column 3, lines 6-37 an audio space in an acoustical enclosure as claimed.

2. **Claim 12** is rejected under 35 U.S.C. 102(b) as being anticipated by Hendrickson (U. S. Patent No. 5365579).

Regarding **claim 12**, Hendrickson discloses a method and apparatus for remote control and synchronization allowing for simultaneous remote collaboration. Hendrickson's system teaches multiplexing/demultiplexing and compression as claimed (abstract, col. 12, lines 6-35 and figures 3 and 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 2-3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. in view of LaMacchia (U. S. Patent No. 6134379) and in further view of Esch et al. (5283639) and East et al. (U. S. Patent No. 6061458).

Regarding **claim 2**, Shimizu et al. discloses everything claimed as applied above (see claim 1). Shimizu et al. inherently teaches a machine room. However, Shimizu et al. fails to specifically disclose multiple digital audio workstations (DAW) with tactile control surfaces, audio mixing consoles, audio processors and central storage facility (all devices, hereinafter, referred to as "recording devices"). The examiner maintains that such recording devices are well known in the art.

Regarding the DAWs, in a similar field of endeavor, LaMacchia discloses a method and apparatus for synchronizing devices in and audio and video system. LaMacchia's disclosure discloses the use of digital audio workstations, wherein the tactile control surface and storage of the audio and video is inherently taught (col. 1, 4th paragraph and col. 2, 2nd paragraph and figures 1-2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Shimizu et al. by implementing a plurality or multiple number of DAWs with complimenting accessories for the purpose of enable an audio recording expert to manipulate and/or modify the audio data/equipment as desired for optimal performance.

Regarding the audio processors, in a similar field of endeavor, Esch et al. discloses multiple media delivery network method and apparatus. Esch et al.'s disclosure comprises multiple audio processors (col. 2, lines 32-52 and col. 9, lines 19-20).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Shimizu et al. and Esch et al. (herein, "Shimizu") by incorporating the use of multiple audio processors for the purpose of mixing the audio signals with the content data signals for an adequate output signal.

Regarding the audio mixing consoles, East et al. discloses an audio mixing console (abstract and figure 1-reference 10, and col. 4, lines 36-45).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Shimizu by incorporating the use of multiple audio mixing consoles purpose of providing central control of the multiple audio processors for acquiring the optimal effect of the desired audio record technique.

Regarding **claim 3**, Shimizu discloses everything claimed as applied above (see claim 2). Further, the limitation of local area network is inherently taught in the rejection above.

4. **Claims 9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. in view of LaMacchia and in further in view of East et al.

Regarding **claim 9**, Shimizu et al. discloses everything claimed as applied above (see claim 1). Shimizu et al. inherently teaches a machine room. However, Shimizu et al. fails to specifically disclose multiple digital audio workstations (DAW), audio mixing consoles (all devices, hereinafter, referred to as "recording devices"). The examiner maintains that such recording devices are well known in the art.

Regarding the DAWs, in a similar field of endeavor, LaMacchia discloses a method and apparatus for synchronizing devices in an audio and video system. LaMacchia's disclosure discloses the use of digital audio workstations, wherein the tactile control surface and storage of the audio and video is inherently taught (col. 1, 4th paragraph and col. 2, 2nd paragraph and figures 1-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Shimizu et al. by implementing a plurality or multiple number of DAWs with complementary accessories for the purpose of enabling an audio recording expert to manipulate and/or modify the audio data/equipment as desired for optimal performance.

Regarding the audio mixing consoles, East et al. discloses an audio mixing console (abstract and figure 1-reference 10, and col. 4, lines 36-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Shimizu by incorporating the use of multiple audio mixing consoles for the purpose of providing central control of the multiple audio processors for acquiring the optimal effect of the desired audio recording technique.

Allowable Subject Matter

5. Claims 4-8 are allowed.

Citation of Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brooks et al. (U. S. Patent No. 6009507) discloses a system and method for distributing processing among one or more processors.


Smits discloses a teleconferencing method and apparatus with three-dimensional sound positioning.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday – Friday 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG 
July 16, 2001


XU MEI
PRIMARY EXAMINER